

BY E-MAIL

The Honorable Andrew L. Carter, Jr.
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007
ALCarterNYSDChambers@nysd.uscourts.gov

Re: S.E.C. v. Zhabilov, et al., Dkt. No. 1:24-cv-07362

Dear Judge Carter:

I am writing this letter on behalf of Camelot Nevada Trust. My name is Kelli Austin and I am a trustee of Camelot Nevada Trust, a Nevada Spendthrift Trust, established under NRS 166 on October 15, 2011. In the above-styled case, Para 22, Under the Section "Defendants" it says, "Camelot Nevada Trust is a sole proprietorship operating in Georgia and controlled by Ray."

Per Wolters Kluwer, "A sole proprietorship is a non-registered, unincorporated business run solely by one individual proprietor with no distinction between the business and the owner." According to the IRS, "A sole proprietorship is an unincorporated business that is owned by one individual. It is the simplest form of business organization to start and maintain. The business has no existence apart from the owner." (IRS Pub1635, Page 3, Para 1).

I am at a loss as to why I was served in this matter, and I am filing a letter pursuant to Rule 2(A) of Your Honor's Individual Practices to request a pre-motion conference in anticipation of filing a 12(b) Motion to Dismiss or in the alternative transfer venue of the Complaint. If, as the petition states, Camelot is a sole proprietorship, and the government is serving me as its agent, then the government is in fact, serving me as an individual. If it is serving the actual Camelot Nevada Trust, I have a fiduciary duty to the beneficiaries of the trust to defend against this action. Camelot's 12(b) considerations are as follows:

- Served a non-party
- In the alternative, the case is predicated on the 3(a)(10) filing that was previously adjudicated in District Court of Maryland (Baltimore), Case Number 1:18-CV-02088-SAG by then Magistrate Judge (now Federal Judge), The Honorable Stephanie Gallagher on August 21, 2018. Judge Gallagher found the 3(a)(10) process to be fair and granted the settlement agreement. The Court also maintained jurisdiction over the matter.
- Additionally, the government has pled no cause of action against Camelot Nevada Trust for which relief can be granted

Logically, if the government is suing a sole proprietorship and they serve me, Kelli Austin as its agent, they are suing me. There is no gray. At no point in time and in no

way did I waive my right to be represented by counsel. When I last came to Boston to meet with the Commission, Marc Jones told me I had not been sued. I do not believe he intentionally lied to me, but you cannot sue me as a sole proprietorship, have a process server out attempting to serve me, and claim you have not sued me. I was sitting with my attorney when this was said. Ms Klunder sent an email to my personal attorney asking if I was going to waive service or she was going to bill me. This shows she knows I was represented and it shows she was serving me.

There are a myriad of problems with this case and some sort of equitable settlement agreement should be reached. When I asked for that when I was last in front of the Commission, I was told by Ms. Klunder, in front of Ms. Kelly and my personal attorney, that there was nothing for me to settle because I had not been sued. There is some disconnect somewhere. I am either sued or I am not. I am unsure on even how to sign this letter, so I am offering this filing as Trustee of the actual Camelot Nevada Trust.

Sincerely,

A handwritten signature in black ink, appearing to read "Kelli Austin". The signature is fluid and cursive, with the first name "Kelli" and last name "Austin" clearly distinguishable.

Kelli Austin, TR